



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AK

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/876,839 06/16/97 HOLT

S 192600780

EXAMINER

LM02/0913

JONES & ASKEW
191 PEACHTREE STREET NE 37TH FL
ATLANTA GA 30303-1769

TITLE	
ART UNIT	PAPER NUMBER

2742
DATE MAILED:

09/13/00

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RA

Office Action Summary

Application No.
08/876,839

Applicant(s)
Holt et al

Examiner
Benny Quoc Tieu

Group Art Unit
2742



☒ Responsive to communication(s) filed on Aug 15, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 and 22-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-18 and 22-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2742

DETAILED ACTION

Continued Prosecution Application

1. The request filed on July 19, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/876,839 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Objections

2. Claims 1, 5, 11, and 13 are objected to because of the following informalities: does the term "subscriber can be accessed" mean "subscriber can be reached"?. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "said originating party" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2742

Claim Rejections - 35 USC § 103

4. Claims 1-11, 13-16 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein (U.S. Patent No. 5,029,196) in view of Brennan et al. (U.S. Patent No. 5,329,578).

Regarding claim 1, Morganstein teaches a method for routing a call based on the identity of an originating source of the call, comprising the steps of: maintaining a plurality of routing lists (Fig. 1, 54) for a telephony subscriber, each routing lists being associated with at least one originating source (Fig. 3, 82) and comprising a plurality of directory numbers (Fig. 3, 82, 84,88, and 90); receiving the call from the originating source (any number 82 of Fig. 3); selecting a routing list associated with the originating source from the plurality of routing lists where the subscriber can be reached (column 5, lines 24-33 and lines 45-50); and directing the call according to the routing list (column 5, lines 50-51). Morganstein teaches that the routing list comprising only one destination. However, Brennan teaches a routing list comprising a plurality of directory numbers (TABLE 2.0) and a call is directed sequentially to the directory numbers on the routing list (column 10, lines 7-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a routing list comprising a plurality of directory numbers and directing a call sequentially to the directory numbers on the routing list as taught by Brennan into the method as disclosed by Morganstein in order to enable a caller to reach the subscriber.

Art Unit: 2742

Regarding claims 2 and 4, Morganstein further teaches the method wherein the selecting a routing list step comprising the steps of: detecting a directory number of the originating source (column 10, lines 58-62); retrieving an associated routing list for the directory number (column 10, lines 63-65); and retrieving a default routing list if the associated routing list does not exist (column 10, line 65 - column 11, line 2, and column 11, lines 32-46).

Regarding claim 3, Morganstein further teaches the method wherein the selecting a routing list step further comprises the steps of: requesting the originating source to provide an identification code (column 1, lines 41-45); receiving the identification code (column 1, line 46); retrieving an associated routing list for the identification code (column 2, lines 20-45); and retrieving a default routing list if the associated routing list does not exist (column 2, lines 46-58).

Regarding claims 5-7, the limitations of the claims are rejected for the same reasons as set forth in rejection of claims 1-3 above.

Regarding claims 8-10, Morganstein fails to teach the method wherein the selecting a routing list step further comprises the step of selecting the routing list from a group of routing lists identified for the originating party based on the day of the week or/and the time of the day the communication is received. However, Brennan teaches this feature (column 6, lines 55-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the day of the week or/and the time of the day as taught by

Art Unit: 2742

Brennan into the method as disclosed by Morganstein in order to “allow the elimination of subscriber and/or operator interaction to support regularly occurring changes”.

Regarding claim 11, the limitations of the claim are rejected for the same reasons as set forth in claims 1 and 2 above. In addition, Morganstein teaches a system for routing calls for a personal number subscriber based on the calling line identification (CLID) of an originator, comprising: a processing unit (Fig. 1, 38); a memory storage device (Fig. 1, 54) operative to store a plurality of routing lists for the personal number subscriber, each routing list comprising a plurality of directory numbers (Fig. 3); a receiving interface device (Fig. 1, 36) and a transmitting interface device (Fig. 1, 36) coupled to the processing unit for receiving calls and placing calls, respectively; and the processing unit being operative to: receive a call (16 or 18, for example) on the receiving interface device (Fig. 1, 36), the call being directed to the personal number subscriber (Fig. 1, 24, 25, 28, and 50).. Morganstein teaches that the routing list comprising only one destination. However, Brennan teaches a routing list comprising a plurality of directory numbers (TABLE 2.0) and a call is directed sequentially to the directory numbers on the routing list (column 10, lines 7-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a routing list comprising a plurality of directory numbers and directing a call sequentially to the directory numbers on the routing list as taught by Brennan into the system as disclosed by Morganstein in order to enable a caller to reach the subscriber.

Art Unit: 2742

Regarding claim 13, the limitations of the claim are rejected for the same reasons as set forth in claims 1 and 5 above.

Regarding claim 14, Morganstein further teaches the computer-readable medium wherein the identifying criteria comprises a CLID message and the step of obtaining an identifying criteria further comprises receiving the CLID message (Abstract).

Regarding claim 15, Morganstein further teaches the computer-readable medium wherein the identifying criteria comprises a DTMF code sequence and the step of obtaining an identifying criteria further comprises detecting the DTMF code sequences (column 6, lines 51-57).

Regarding claim 16, Morganstein further teaches the computer-readable medium wherein the identifying criteria comprises a DTMF code sequence and the step of obtaining an identifying criteria further comprises the steps of: providing keypad menu selection options to the called party; and receiving a DTMF signal corresponding to a keypad menu selection from the called party (Figs. 2a & 2b).

Regarding claims 22-24, Morganstein teaches, in a program module responsive to receiving communications for a personal number subscriber, a method for routing a communication to the subscriber, comprising the steps of: maintaining a plurality of routing lists (Fig. 1, 54), each the routing list being associated with a originating party (Fig. 3, 82); receiving a communication directed to a personal number from an originating party, selecting a routing list associated the originating party, and routing the call in accordance with the routing list (column 5, lines 24-44). Morganstein fails to teach the feature of based on the time of the call to route the

Art Unit: 2742

call. However, Brennan teaches this feature where a caller makes a call the a subscriber will be routed to a location based on subscriber schedule (column 7, lines 1-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of subscriber schedule as taught by Brennan into the method as disclosed by Morganstein in order to enable a caller to reach a subscriber.

Regarding claims 25 and 26, Morganstein fails to teach the step of detecting an area code or exchange carrier. However, this feature is well known in the art (examiner takes official notice for this effect). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of detecting an area code or exchange carrier as well known in the art into the method as disclosed by Morganstein in order to improve the method to detect the caller identifier as disclosed by Morganstein.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein in view of Brennan et al. as applied to claim 11 above, and further in view of Eisdorfer et al. (U.S. Patent No. 5,706,339).

Regarding claim 12, Morganstein fails to teach the system wherein the processing unit directs the call setup request by: selecting a first directory number from the routing list; routing the call to the first directory number; receiving communication disposition information from the first directory number; and if the communication disposition indicates the routing step failed, selecting a next directory number from the routing list and repeating above steps at the next

Art Unit: 2742

directory number. However, Eisdorfer et al. teaches a technique for use in processing personal telephone calls wherein a call to a personal telephone number may be routed to a sequence of telephone numbers until the call is answered or abandoned (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of routing a call in sequence as taught by Eisdorfer et al. into the system disclosed by Morganstein in order to reach the subscriber.

6. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein in view of Brennan et al. as applied to claims 1 and 5 above, and further in view of McAllister et al. (U.S. Patent No. 5,978,450).

Regarding claims 17-18, Morganstein teaches the method for selecting a routing list based on call identification telephone number (Abstract). Brennan teaches the method including identifying a caller by requiring the caller to enter a password (column 5, lines 25-46). Both Morganstein and Brennan fail to teach "a speech sample" that is used to identify a caller in order to routing the call. However, McAllister teaches a communication network comprising a peripheral to analyzes speech of a caller to identify the caller (column 4, lines 19-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of analyzing speech of a caller as taught by McAllister into the method as disclosed by Morganstein and Brennan in order to identify the caller to route the call.

Art Unit: 2742

Response to Arguments

7. Applicant's arguments filed July 19, 2000 have been fully considered but they are not persuasive.

With respect to arguments on pages 9-10, examiner agrees with applicant that Morganstein does not describe the step of "maintaining a plurality of routing lists". However, this step is inherent included by "look-up table" in Fig. 1 of Morganstein because when a subscriber subscribes a service, for this case, a service of forwarding incoming calls based on caller ID, the routing lists must be maintained. In other word, the routing lists will not be maintained unless the subscriber canceled the service. Also, examiner disagrees with applicant that Morganstein only describes a single list. Clearly, Morganstein describes at least two routing list. For example, one incoming call will be forwarded directly to Mr. Smith (first routing list) while another incoming call will be connected to a voice message system (second routing list). See column 5, lines 45-61. Applicant admitted that Brennan does not describe the use of a plurality of lists. However, Brennan clearly teaches that the incoming call will be routed to car or home number between 0730-0800 hours Monday-Friday (first routing list) while routing incoming call to car or office between 0800-0830 hours Monday-Friday (second routing list). See column 6, lines 47-67.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

Art Unit: 2742

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Morganstein teaches routing a call based on caller identification (Abstract), and Brennan also teaches allowing the subscriber to give special treatment to callers based on the "CLIDs" (column 5) and a personal communication service (PCS) (Abstract), and Eisdorfer et al. teaches a technique for use in processing personal telephone calls (Abstract).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ahlberg et al. (U.S. Patent No. 5,600,704) teaches systems and methods for prioritized routing of telephone calls to a subscriber. Holt (U.S. Patent No. 5,896,448) teaches a method and apparatus for routing calls based on call success history. Jain et al. (U.S. Patent No. 6,104,799) teaches a customer defined call setup.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry, please label the response "EXPEDITED PROCEDURE")

Art Unit: 2742

Or: (703) 308-6296, (for informal or draft communication, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA, Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner
should be directed to **BENNY Q. TIEU** whose telephone number is (703) 305-2360. The
examiner can normally be reached on Monday through Friday from 7:00AM to 5:30PM.

The fax number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the group receptionist whose telephone number is (703) 305-4700.

BENNY Q. TIEU *zlb*
PATENT EXAMINER

Date: September 9, 2000.

Art Unit: 2742

Krista Zele
KRISTA ZELE
SUPERVISORY PATENT EXAMINER
GROUP 2700